

# HB 318's impact to tribal entities

EXHIBIT 6

DATE 3-22-11

HB 318

## INTRODUCTION

During the HB 318 hearing on Thursday, March 17, there seemed to be concern over the interplay between HB 318, tribal entities, and the Interagency Bison Management Plan (IBMP). This memo addresses these concerns by explaining that tribal entities are exempt from HB 318 and that HB 318 will not affect management actions under the IBMP.

- **The House Agriculture Committee's amendment is intended to facilitate communication.**

The amendment made in the House Agriculture Committee is found on page 2, lines 10 and 11 of HB 318.

“Acquisition of wild buffalo or bison by a qualified tribal entity must be done in consultation with the board of county commissioners of the affected county or counties and in a manner that does not jeopardize compliance with a state-administered or federally administered livestock disease control program.”

This amendment does not give county commissioners the authority to prevent bison transfers to tribal entities. The intent behind the amendment is to facilitate communication between counties and tribal entities.

- **County commissioners do not have the authority to prevent bison relocation to tribal entities.**

The new subsection of Mont. Code Ann. §81-2-120 reads:

“(5) Except as provided in subsection (1)(d)(ii), the department may not authorize any transplantation or relocation of live wild buffalo or bison certified by the state veterinarian as brucellosis-free into any Montana county pursuant to this section without first receiving the approval of the board of county commissioners of the affected county or counties pursuant to [section 1].”  
(Emphasis added).

Subsection (1)(d)(ii) of §81-2-120 allows the transfer of bison to tribal entities. This effectively exempts tribal entities from the relocation provisions of HB 318.

The amendment to §87-1-216 under HB 318 states:

“(5) The department may not authorize any transplantation or relocation of wild buffalo or bison under the department's authority pursuant to this section into any Montana county without first receiving the approval of the board of county commissioners of the affected county or counties pursuant to [section 1].”

To understand the amendments to §87-1-216, it is important to note that this section only applies to DFWP. Under existing law, the Montana Department of Fish, Wildlife and Parks (DFWP) only has jurisdiction over wild buffalo or bison which DO NOT originate from Yellowstone National Park (YNP). At this time YNP bison, and DFWP's involvement with YNP bison, fall under the authority of §81-2-120 and the Montana Department of Livestock (DOL). DFWP simply assists the DOL in YNP bison management efforts.

HB 318's amendments to the DFWP statute §87-1-216 would only apply to wild bison which do not originate from YNP.